D N° 1

THE REBELLS CATECHISM.

COMPOSED IN AN EASY and Familiar way;

To let them see,

The Heinousness of their Offence, the weakness of their strongest Subterfuges; and to recal them to their *duties both to God and Man.*

ROM. 13. 2.

Whosoever resisteth *the* Power, resisteth *the Ordinance of God; and they that* resist, *shall receive to themselves* Damnation.

Printed, 1643.

F. MADAN
OXFORD

BODL LIBR.
25 JAN 1917
OXFORD

To the Christian Reader.

READER, thou must not look for all things new, *in a Point so agitated, so throughly discussed and canvassed as this hath been. 'Tis well if they who come behind both in time, and knowledg, add any thing though it be but little, unto those before them. All I shall promise thee in this short discourse, is that I have contracted into a narrow compass, what I found scattered and diffused in many & those larger Tractates: which I have offered to thy view in a more easie and familiar way than hath been formerly presented. And some thing thou shalt meet with here, which thou hast not found in any other discourses of this argument, besides the fashion and the dress. These are the most prevailing motives I can lay before thee, to tempt thee to the studying of this* Catechism: *which if it shall confirm thee in thy* duty *unto* God and the King, *or reclaim thee from thy* disaffections *unto either of them, it is all I aim at. And so fare thee well.*

January 25. 1643.

THE REBEL'S *CATECHISM*:

Compoſed in an Eaſie and Familiar way; To let them ſee, the heinouſneſs of their Offence, the weakneſs of their ſtrongeſt *Subterfuges*; *and to recall them to their duties both to God and Men.*

1. *Queſtion.* Who was the firſt Author of *Rebellion*?

A. The firſt Author of Rebellion [a] *the root of all Vices, and the mother of all miſchief,* (ſaith the book of Homilies) *was* LUCIFER, *firſt Gods moſt excellent creature, and moſt bounden Subject, who by Rebelling againſt the Majeſty of God, of the brighteſt and moſt glorious Angel, became the blackeſt and moſt fouleſt fiend and Devil, and from the height of Heaven is fallen into the pit and bottom of Hell.*

[a] First part of the Homily againſt Rebellion.

2. *Q.* How many ſorts of *Rebellion* are there?

A. Three moſt eſpecially, that is to ſay, the *Rebellion* of the *Heart*, the *Rebellion* of the *Tongue*, and the *Rebellion* of the *Hand.*

3. *Queſt.* What is the *Rebellion* of the *Heart*?

Anſ. The *Rebellion* of the *Heart*, is a rancorous ſwelling of the

the *Heart* againſt the authority and commands of the ſupreme power under which we live: which tho it be ſo cunningly ſuppreſſed and ſmothered, that it break not out either into words or deeds, yet makes a man guilty of *damnation* in the ſight of God. And this is that of which the *Wiſeman* tells us ſaying, *Curſe not the* King, *no not in thy* thought, *for a bird of the air ſhall carry the voice, and that which hath wings ſhall tell the matter.* Eccleſ. 10. v. 20.

4. *Queſt.* What is the *Rebellion* of the *Tongue*?

Anſ. The *Rebellion* of the *tongue*, is a malicious defaming of the perſon, actions, parts, and government of thoſe Sovereign Princes to which the Lord hath made us *ſubject*, of purpoſe to diſgrace them amongſt their people, to render them odious and contemptible, and conſequently to excite their Subjects to riſe up againſt them. Of this it is whereof the Lord God commanded ſaying, *thou ſhalt not ſpeak evil of the* Ruler *of thy People*; *Exod.* 22. 28. acknowledged for a divine precept by St. *Paul*, *Acts* 23. 5. See to this purpoſe alſo that of *Solomon*, *Prov.* 24. v. 21. where it is ſaid, *It is not fit to ſay unto a* King *thou art wicked*; And if it be not fit to *ſpeak evil* to him, aſſuredly it is as unfit to *ſpeak evil* of him. And finally of this it is that [b] *Ariſtotle* the Philoſopher tells us ſaying, Ὁ κακηγορῶν τ' ἄρχοντα, εἰς τὴν πόλιν ὑβρίζει, he that ſpeaks evil of the Magiſtrate offends againſt the Common-wealth. But I muſt let you know withal, that tho this of the *tongue* be a diſtinct *ſpecies* of *Rebellion*, and ſo judged in *Law*: yet many times this and the other of the *heart*, are but the *ground* and *preparations* to the *Rebellion* of the *hand*, or *actual Rebellion*, as they call it commonly. And this appears moſt plainly in the ſtory of *Abſalon*, whoſe *heart* firſt ſwelled againſt his Father, for being ſo difficult in reſtoring him to his *Court* and *Preſence*, upon the murder which he had committed on his brother *Amnon*, (2 *Sam.* 14. v. 24, 28.) and his *tongue* found the way to diſgrace his *government*, which he accuſed of *negligence* and *injuſtice*, to the common-people (2 *Sam.* 15. v. 2, 3 &c.) before he blew the *trumpet*, and took Arms againſt him, and made him *flee* with ſome *few ſervants*, from the Royal City, v. 14. But here we take it not for

[b] Ariſtot. in Problem. ſect. 40.

for a *preparation*, but for a *ſpecies* diſtinct, as before was ſaid.

5. *Queſt.* Why do you call the *ſwellings* of the *heart*, and the *revilings* of the *tongue* by the name of *Rebellion*, conſidering that the Law which puniſheth *Rebellion* with no leſs than death, doth take no cognizance of mens *thoughts*; and that when [c]*Gervaſe Shelvey* of *Sandwich* ſaid lately to a Gentleman of that Town that *if the King came thither he would ſhoot the Rogue*, for which he was impriſoned by the Major now being, it was reſolved by the *High Court of Parliament*, that theſe words were but a *miſdemeanour*; and ſo he was releaſed again.

c Merc. Anlic. Sept. 52.

Anſ. The *Houſe of Commons*, which you call the *High Court* of *Parliament*, did not ſo much deliver their judgment in the caſe aforeſaid, as betray their diſaffection in it to His Majeſty, whoſe Perſon they endeavour to deſtroy that they may keep his power ſtill amongſt themſelves. Or if they did, it was a very falſe and erroneous judgment, directly contrary unto the reſolution of my Lords the Judges, and other Sages of the Law in all former Ages, [d]by whom it is affirmed expreſly, that *if any man* [e]*do compaſs or imagin the death of our Lord the King* (as all *Rebels* do) and doth declare the ſame imagination by any *overt fact*, either deed or word, he ſhall ſuffer judgment as a Traitor, *licet is id quod in voluntate habuit, ad effectum non perduxerit*, as [f]*Bracton* hath it, altho it do not take effect, and go no farther than the thought or purpoſe of the firſt contriver. Upon which ground it was, no queſtion, that *Shimei* ſuffered death by the hands of *Solomon*. For altho *David* ſpared him upon ſubmiſſion, becauſe he would not intermix the joy of his return unto *Hieruſalem* with any ſad and mournful Accident (as that muſt needs have been unto *Shimei*'s friends) 2 *Sam.* 19. 22. yet he gave order to his ſon *to bring his hoary head down to the grave with blood, becauſe he had curſed him with a grievous curſe in the day when he went to* Mahanaim, 1 *Kings* 2. 8. which was accordingly performed by *Solomon*, v. 46.

d V. Stamfords Pleas cap. 2. Coke on Littleton l. 2. c. 11. §. 200.

e Stat. 25. *Ed.* 3. cap. 2.

f Bracton l. 2.

6. *Queſt.* But *Shimei*'s caſe can be no *Precedent* to us, who are not governed by the *Judicial Law* of *Moſes*, but by the

common

common Law of *England*, and the *ruled cases* in that Law. And therefore tell me, if you can, whether our own books do afford you any of the like examples.

Answ. Our own books do afford us many; as *viz.* in the case of *Walker* a Citizen [g] of *London*, and that of Mr. *Burdet* [g] an Esquire of *Warwickshire*, both executed in the time of King *Edward* 4th. for words which might be construed to a treasonable and rebellious sense, tho perhaps no ill meaning was intended; that of the *Windsors* [h] Butcher in the reign of King *Henry* 8th. for saying that rather than sell his meat at so mean a rate, he would send it to the Rebels in the North; and finally of one *Oldwoll*, one of the Yeomen of the Guard in Queen *Maries* time, [i] who had judgment of death for certain traiterous and seditious words spoken against her Majesty, altho no insurrection or Rebellion did ensue upon them. For the particulars, I must refer you to our *law books* and the common *Chronicles*.

[g] V. Speed, Hollingsh. and others, in the life of Edw. 4.
[h] Id. in Hen. 8.
[i] Compton in his book of Justices.

7. *Quest.* Proceed we now unto your third and last sort of *Rebellion*, and tell me what you mean by the *Rebellion* of the *hand*, and how many sorts there are of it.

Answ. The *Rebellion* of the *hand* is of two sorts, whereof the first is the composing & dispersing of false & scandalous *Books* and *Pamphlets*, tending to the dishonour of the King, His Subordinate Officers, & Form of Government, of purpose to alienate the affections of his Subjects from him, and make them the more apt to *Rebel* against him. And this is punishable with death also by the law of *England*, as may appear by the examples of [k] *Bugnall*, *Scot*, *Heath*, and *Kennington*, being Sanctuary men, in S. *Martins Legrand London*, who had judgment to be hanged, drawn, & quartered in the time of K. *Hen.* 7th. for *setting up seditious Bills to the scandal of the King and some of his Council*: of *Penry*, *Udall*, *Barrow*, *Greenwood*, *Studley*, *Billott*, and *Bowdler*, [l] zealous *Puritans* all, all of which were condemned and three of them hanged in Q. *Elizabeths* time, for writing treasonable & seditious Books, by wch the peace of the Kingdom might have been disturbed, tho no Rebellion followed on them: of *Copping* and *Thacker*, [m] who were hanged at S. *Edmundsbury* in the said Queens time, for publishing the Pamphlets

[k] Stow. in Hen. 7.
[l] Id. in Elizabeth.
[m] Hollingsh. in the life of Q. Elizabeth.

Pamphlets writ by *Rob. Browne* againſt the Book of *Common-Prayer*; which *Compton* thus reports in his Lawyers *French*, [n] *Deux executez pour poublier les livres de* Robert Browne, *encontre le livre de common praut.* And finally witneſs the example of Mr. *Williams* [o] a *Barriſter* of the *Middle Temple*, who was executed in King *James* his Reign for writing a defamatory Book, againſt the ſaid King and his Poſterity.

n Compton in his book of Juſtices.

o Howes addition to Stowes Chronicle.

8. *Queſt.* What is the other ſort of that *Rebellion*, which you call the *Rebellion* of the *hand.*

Anſw. The other ſort of the *Rebellion* of the *hand*, is that which commonly is called *Actual Rebellion*, and is defined by the Statute of the 25 of King *Edward* 3. [p] to be *a levying of War againſt our Sovereign Lord the King in his Realm, or an adhering to the Kings Enemies in his Realm, giving to them aid and comfort in the Realm or elſewhere.* And ſo it is determined alſo in the *Civil Laws*, by which all thoſe, [q] *qui arripiunt arma contra eum cujus juriſdictioni ſubditi ſunt*, who take up Arms againſt ſuch Perſons to whoſe authority they are ſubject, are declared to be *Rebels.* Where note, that not the *open Act* only, but the attempt & machination is brought within the compaſs of *Rebellion. Rebellio ipſe actus rebellandi eſt, qui non ſolùm facto ſed machinatione committitur*, as thoſe *Lawyers* tell us. [r] And it is worth our obſervation that not only the *bearing Arms* againſt the King is declared to be *Rebellion* by the law of *England*, but that it was declared to be *Rebellion* by the chief Judges of this Kingdom [ſ] at the arraignment of the Earl of *Eſſex* (the Father of him who now is in the head of this *Rebellion*) for any man to ſeek to make himſelf ſo ſtrong, that the King ſhould not be able to reſiſt him, altho he broke not out into open act.

p Cap. 2.

q Spiegel in Lexico tur. Civil.

r Bartolus in Conſtitut. Hen. 7.

ſ Camden Annal. Eliz. An. 1601.

9. *Queſt.* What is the end that *Rebels* do propoſe unto themſelves, when they put themſelves into *Rebellion*?

Anſ. The depoſition & deſtruction of the King in poſſeſſion, & an alteration of the preſent Government. And ſo it was determined by the joint conſent of all the Judges [t] at the Arraignment of the Earl of *Eſſex* above mentioned, by whom it was reſolved for *Law*, that in every *Rebellion* there was a plot upon the life and depoſition of the Prince; it being not to be conceived

t Camden ibid.

conceived that the *Rebels* would ſuffer him to *live* or *reign*, who might have opportunity in the change of things, to puniſh them for their Rebellions, and avenge himſelf upon them for their Treaſons. And this they did confirm by the *Civil Laws*, and further juſtifie and confirm by the ſtrength of Reaſon, with which it ſeemed inconſiſtent, *ut qui ſemel Regi jus dixerit*, that he who had once over-ruled his King by *force of Arms*, ſhould either ſuffer him to *live*, or recover the poſſeſſion of his *Realm* again. All which they made good by the ſad examples of King *Edward* the ſecond, and King *Richard* the ſecond, who did not long enjoy either *life* or *Crown*, after they came into the hands of thoſe who *rebelled* againſt them.

10. *Qu.* But thoſe Examples which you ſpeak of, were in times of *Popery*; have you the like to ſhew ſince the *Reformation*?

Anſw. I would to God we had none ſuch, but we have too many. For not to look into our neighbouring Realm of *Scotland*, and the proceedings of ſome there (who called themſelves *Proteſtants*) againſt their *Queen*; the *Rebellion* plotted by the Earl of *Eſſex* in Queen *Elizabeths* time, (though there was nothing leſs pretended) was to have ended in the death of the Queen, and the alteration of the Government. For as was afterwards confeſſed by ſome of his *Accomplices*, the ſecret part of the deſign, was to have ſeized upon the Queen, and ſecured his Adverſaries in the Court; whom when he had condemned and executed, [u] *Parliamento indicto reipub. formam immutare ſtatuit*, he then reſolved to call a Parliament, and ſettle a new form of Government. Which how it could be done, and the Queen alive, I believe you know not. And ſo much was acknowledged by the Earl himſelf, after the ſentence of death was paſſed upon him, when he affirmed to certain of her Majeſties Council, *Reginam ſoſpitem eſſe non poſſe ſi ipſe ſuperſit*, [x] that whilſt he lived it was not poſſible for the Queen to continue in ſafety. Thus have you ſeen the main deſign of that *Rebellion* (as of all others whatſoever) what his pretences were which he caſt abroad, the better to ſeduce the people, I ſhall not ſtick to tell you if you put me to it.

[u] Id. Ibid.

[x] Idem. Ibid.

11. *Queſt.* I ſhall not trouble you with that at this preſent time. But being you ſay, that *levying of War* againſt the King is properly and truly to be called *Rebellion*, I would fain ask, whether you mean it only in ſuch caſes where the Subjects take up Arms out of pride and wantonneſs; or in ſuch alſo when they are neceſſitated and inforced unto it in their own defence?

Anſw. I mean it equally in both caſes, tho of the two, the former be more odious in the ſight both of God and man. For even *defenſive Arms*, as your Party calls them, are abſolutely unlawful in the Subject againſt his Sovereign: in regard that no *defenſive War* can be undertaken, but it carrieth a *reſiſtance* in it [y] to thoſe *higher powers*, to which *every ſoul* is to be *ſubject*. Which *powers* being *obtained* by Almighty God, it followeth by the *Apoſtle*'s Logick (who was a very able Diſputant) that they *who do reſiſt the powers, reſiſt the Ordinance of God*, [z] and conſequently *ſhall receive to themſelves damnation*. A rule which took ſuch deep impreſſion in the Primitive Chriſtians, that though for perſonal valour, numbers of men, and leaders able to conduct them, they were ſuperiour to the adverſe party in the *Roman* Empire; yet they choſe rather to expoſe their lives unto the mercileſs fury of the *Perſecutors*, than take up *Arms* againſt their Princes, or diſturb the peace of their Dominions, under pretence of ſtanding in their own *defence*, being ſo tyrannically and unjuſtly handled. For proof whereof, we may alledg *Tertullian*, [a] *Cyprian*, [b] *Lactantius*, [c] and ſome other [d] Antients, whoſe words we will produce at large, if you think it neceſſary.

y Rom. 13.1.

z Rom. 13.

a In Apolog.
b Cyprian. Epiſtola ad Demetrian.
c Lactant. Inſtitut. divin. l. 5.
d Eucher: Lugdunenſ. & alii.
e Mercur. Britannicus. num. 19.

12. *Queſt.* You need not put your ſelf to that trouble. For we deny not that *the Antient Chriſtians did rather chooſe to ſuffer, than to take up Arms*; [e] but when we ſay, that *tho they were* exceeding *numerous, yet they were not formed into States and Kingdoms*, and that when they were once *eſtated in laws and liberties, as in* France, Holland, Scotland, Germany, *they made no queſtion then to defend themſelves*. What can you anſwer unto that?

Anſw. I trow the *Roman* Empire was a *ſetled State*, as ſtrongly

ſtrongly cemented with all the ligaments of power and policy, as any one of theſe you mention; and that the Subjects of that Empire had their *laws* and *liberties*, which as their Anceſtors had received from the indulgence of their *Emperors*, and the *Roman Senate*, ſo they tranſmitted them to their poſterity. And yet when all the Empire had received the faith in the time of *Conſtantine*, and that no Religion but the *Chriſtian* had publick countenance from the Laws, during the moſt part of his reign, and the whole reign of his three Sons (which was for fifty five years, no fewer,) the Subjects kept themſelves to their former Principles. Inſomuch that when the Emperour *Julian* began to intrench upon their *liberties*, and infringe thoſe *laws*, which had been granted them by the grace and goodneſs of thoſe Princes; they knew no other way, nor *weapons*, by which to make reſiſtance to ſuch lawleſs violence, but their *prayers* and *tears*. καὶ τοῦτο μόνον κατὰ τοῦ διώκτου φάρμακον, [f] and this was all the *Medicine* which they had to cure that *Malady*, as we find in *Nazianzen*. The like I could produce from St. *Ambroſe* alſo, [g] were not this ſufficient. And for your inſtances of *France*, *Holland*, *Scotland*, *Germany*, which you have muſtered up to make good your cauſe; I am ſorry for the *Proteſtant* Religions ſake, that you have furniſhed me with ſo many examples of Rebellions ſince the Reformation; ſome of which ended in the *death*, and others in the *depoſition* of their natural Princes. Which was a point you ſeemed to doubt of in your tenth Queſtion.

f Nazianzen. Oratio 1. in Julian.

g Ambroſ. Orat. 5.

13. *Queſt.* But tell me ſeriouſly, do you conceive that all *reſiſtance* of this kind made by *force of Arms*, may be called *Rebellion*; and that there are no caſes which may make it lawful, and warrantable by the Laws of God or man?

Anſw. Your queſtion hath two ſeveral parts, and muſt receive two ſeveral anſwers. And to the firſt I anſwer ſeriouſly (it being now no time to trifle) that all *reſiſtance* of the kind you ſpeak of, nor only may be called *Rebellion*, but is *Rebellion* in the true and natural ſenſe of the word. For if (as the *Civilians* ſay) *Rebellis dicitur inobediens Principi circa concernentia proſperitatem Imperii*, [h] that every one may be ſaid to be a Rebel, who

h Bartolus in repertorio.

who yieldeth not obedience to his Prince in all ſuch particulars, as do concern the flouriſhing eſtate of his Dominions: aſſuredly he is a *Rebel* in the higheſt degree, who takes up *Arms* againſt his Sovereign (whatever his pretences be) and by ſo doing doth embroil his Kingdoms in all theſe miſeries, which moſt inſeparably are annexed to a *Civil* War. Now frame the ſecond part of the preſent *Quere*, into a diſtinct queſtion of it ſelf, and I will give ſuch anſwer to it, as I hope ſhall ſatisfie.

14. *Queſt.* My queſtion is, whether the *condition* of the perſons which are ingaged in ſuch *reſiſtance*, the *grounds* on which they go, and the *end* they aim at, make not an alteration in the caſe: ſo that *Reſiſtance* qualified by theſe ſeveral circumſtances, become not warrantable by the Laws both of God and Man?

Anſw. The anſwer unto this is already made in the book of *Homilies*; where it is ſaid, that "though not only great multi-
"tude of the rude and raſcal *Commons*, but ſometimes alſo men-
"tion of great *Wit*, *Nobility*, and *Authority*, have moved *Rebellion*
"againſt their lawful Princes; though they ſhould pretend ſun-
"dry cauſes, as the *redreſs* of the *Commonwealth*, or *Reformation*
"of *Religion*, tho they have made a great ſhew of holy mean-
"ing by beginning their *Rebellion* with a counterfeit ſervice of
"God, and by diſplaying and bearing about divers *Enſigns* and
"*Banners*, which are acceptable unto the rude ignorant com-
"mon people, (great multitudes of whom by ſuch falſe pre-
"tences and ſhews they do deceive and draw unto them) yet
"were the multitudes of the *Rebels* never ſo huge and great, the
"*Captains* never ſo noble, politick and witty, the *pretences* feign-
"ed to be never ſo good and holy, yet the ſpeedy overthrow of
"all *Rebels*, of what number, ſtate or condition ſoever they were,
"or what colour or cauſe ſoever they pretended, is, and ever
"hath been ſuch, that God doth thereby ſhew that he alloweth
"neither the *dignity* of any perſon, nor the *multitude* of any
"people, nor the *weight* of any cauſe, as ſufficient for which the
"Subjects may move *Rebellion* againſt their Princes. So far the very words of the Book of *Homilies*.

First part of the Homily againſt Rebellion.

15. *Queſt.* Why do you tell us thus of the Book of *Homilies*, compoſed

compoſed by a company of ignorant *Bookmen*, men utterly unskilful in the Laws of the Land. Think you that we aſcribe to them ſo much authority, as to be over-ruled by them in this caſe?

Anſw. It may be not. But I muſt tell you that there was a Statute made in the thirteenth year of Queen *Elizabeth*, [k] entituled, *An Act for Reformation of diſorders in the Miniſters in the Church*, &c. in which it was enacted amongſt other things, that all who were to be admitted unto *holy Orders*, or inſtituted into any *Eccleſiaſtical* preferment ſhould firſt ſubſcribe unto the *Articles of Religion* agreed upon in *Convocation*, *Anno* 15[62]. One of which *Articles* recites the names and titles of each ſeveral *Homily*, and approves their doctrine. So that although the *Homilies* were at firſt compoſed by men unskilful in the *Laws*, as you pleaſe to ſay, yet they received both ſtrength and approbation from the skilfulleſt *Lawyers* of thoſe times, convened with the Nobility and Gentry in the Court of *Parliament*, and conſequently have as much authority as the *Parliament* could add unto them. But ſince you are not pleaſed with this general anſwer, give me your doubts and *Queres* in particular, and ſee what I can ſay unto them.

[k] Stat. 13. Eliz. cap. 12.

16. *Queſt.* Firſt then, I ask, whether if the King become a *Tyrant*, it be not Lawful in that caſe to *bear Arms* againſt him?

Anſw. Yes, if *G. Buchanan* may be judg, [l] who tells us plainly, that he would have rewards propoſed to ſuch as ſhould kill a *Tyrant*, as formerly there were for thoſe who deſtroyed *Wolves*. But if S. *Paul* may rule the caſe we ſhall find it otherwiſe. For if we ask to whom it was that the Apoſtle did command Subjection to be given even by *every ſoul*, to whom it was that he forbad *reſiſtance* to be made upon pain of *Damnation*; [m] we ſhall find it was no other than the Emperour [n] *Nero*, the greateſt *Tyrant*, the bloudieſt and moſt terrible Prince, the greateſt monſter of mankind, that ever yet was born of Woman. Yet St. *Paul* writing to the *Romans*, over whom he did ſo cruelly tyrannize, commanded *every ſoul* to be *ſubject* to him, *not for wrath only but for conſcience ſake*, and that upon the pain and

[l] Buchanan. de jure Regni.

[m] Rom. 13. v. 1, 2, 3.

[n] Baron. & Chronol. alii.

peril of *damnation*, no man ſhould be ſo bold as to *reſiſt* his *power*, or *rebel* againſt him. And doubtleſs *Nebuchadnezzar* was a mighty *Tyrant*, one who had taken from the *Jews*, their *Laws*, their *Liberty*, their *Religion*, [o] and whatſoever elſe was moſt dear unto them. Yet were the *Jews* commanded to ſubmit unto him, and patiently to bear the yoak which was laid upon them; and *not to hearken to their* Prophets, *nor to their* Diviners, *nor unto their* Dreamers (mark it, for this is juſt your caſe) *which ſpeak unto you, ſaying, ye ſhall not ſerve the King of* Babylon, *for they Propheſie a lye unto you that ye ſhould periſh*, Jerem. 27. v. 9. Finally, to oppoſe the ſaying of an *Heathen* man, unto that wicked ſpeech of him who did pretend ſo much unto *Reformation*, we find it thus reſolved in *Plutarch*, ὁ δεινὸν οὐδὲ νενομισμένον βασιλέως σῶμα τοῖς χερσὶ θεραπεύειν, [p] that it was contrary both to *poſitive* Laws, and the Law of *Nature*, for any *Subject* to lift up his hand againſt the perſon of his Sovereign.

o 2 Kings 25. & 2 Chron. c. 36.

p Plutarch. in Agis & Cleomenis.

17. *Queſt.* Is it not lawful to *bear Arms* againſt Sovereign Princes, for the preſervation of *Religion*?

Anſw. Yes, for thoſe men who place *Religion* in *Rebellion*, and whoſe *faith is faction*; but for no men elſe. The *Jews* might well have pleaded this againſt *Nebuchadnezzar* when he deſtroyed their *Temple*, and forbad their *ſacrifices*; and the Chriſtians in *Tertullian*'s time (when they were at the ſtrongeſt) againſt the Emperour *Severus*, who did not only labour to ſuppreſs *Religion*, but utterly to root out the *Profeſſours* of it; and yet the contrary doctrine was then preached and practiſed, as before was ſhewed you. What weapons the poor *Chriſtians* did make uſe of in the time of *Julian* the *Apoſtate*, in his endeavours to ſubvert the *Goſpel*, and eſtabliſh *Paganiſm* again in the place thereof, we told you lately out of *Nazianzen*: and ſhall now add, that the *Chriſtian* party was then ſo ſtrong and powerful in the *Roman* Armies, that when *Jovinian* was elected Emperour on the death of *Julian*, the Soldiers with one voice cried out, ὅτι αὐτὸς εἶη χειστιανὸς, [q] *that they were all Chriſtians.* So that it was not *conſciouſneſs* of their own weakneſs, nor the *fear* of *wrath*; but *conſcience* of their duty, and the *fear* of God, which made them patiently ſubmit to the preſent ſtorm. Thus when

q Socrat. Eccl. Hiſt. l. 4. c. 22.

when the younger *Valentinian* endeavoured to ſupplant the true *Religion*, and to ſet up *Arianiſm*, to which he ſtrongly was addicted, the Tyrant *Maximus* made offer to S. *Ambroſe* of his *Arms* and Forces, the better to inable him to reſiſt the *Arians*, and to preſerve the true *Religion*: [r]but the good Father abſolutely refuſed the offer. And though he was ſo well beloved and honoured by the people generally, that he could eaſily have Armed them againſt the Emperor, & cruſhed the *Arian* faction in the Court, by whom his Councils were directed; yet he betook himſelf to no other *weapons* than his *Prayers* and *Tears*, the ancient *weapons* of the Chriſtians. *Coactus repugnare non novi, dolere potero, potero flere, potero gemere; Aliter nec debeo nec poſſum reſiſtere*; [s]other *reſiſtance* knew he none, tho preſt and oppreſt too, then his *Tears* and *Prayers*.

[r] Theodoret. Hiſt. Eccl. l. 5 c. 4.

[s] Ambr. Orat. 5.

18. *Queſt.* What if he violate our *Laws*, and infringe our *Liberties*, may we not then bear Arms againſt him?

Anſw. Somewhat in anſwer unto this you received before, in the command impoſed upon the *Jews* by the Prophet *Jeremy*, not to *Rebel* or take up Arms (which come both to one) againſt *Nebuchadnezzar* King of *Babylon*, [t]although he did ſo tyrannize and Lord it over them, that neither their old *Laws* nor *Liberties* were a jot regarded. But that which I ſhall tell you now, is S. *Pauls* caſe in the 23. of the Acts. Being brought to plead his own cauſe, and the Goſpels too, before the Council of *Hieruſalem*, in the firſt entrance to his Plea, *the high Prieſt* Ananias *commanded them that ſtood by to ſmite him on the mouth*; [u]and *ſitting* there *to judge him after the Law, commanded him to be ſmitten contrary to the Law.* S. *Paul*, upon the apprehenſion of ſo great an injury, ſo plainly contrary unto the *Laws*, and *Liberties* of the *Jewiſh* Subject, calls him *whited wall*, and threatneth him with vengeance from Almighty God. [x]But finding that it was the *High-Prieſt* whom he had reviled (who had ſometimes the ſupream Government of the *Jewiſh* ſtate) he cried *peccavi* out of hand, imputed his offence to ignorance, [y]*I wiſt not, Brethren, that he was the High Prieſt*; and finally condemned himſelf with a *ſcriptum eſt*, ſaying, [z]*it is written, thou ſhalt not ſpeak evil of the Ruler of thy People*, if ſo, in caſe we may

[t] Jerem. 27. 9, 10.

[u] Acts 23. v. 2, 3.

[x] Ibid. v. 3.

[y] [z] Ibid. v. 4.

not

not *ſpeak evil* of our *Rulers*, when they *ſmite us contrary to the Laws*, the Subjects *Liberty*, which is the *rebellion of the tongue*; aſſuredly we may not *take up Arms* againſt them under thoſe pretences, which is the *rebellion* of the *hand*.

19. *Queſt.* What if the *King* be in the hands of *Evil Counſellors*, may we not take up *Arms* to remove them from him?

Anſw. Yes, if the Earl of *Eſſex* may be Judg, whoſe Father fell into *Rebellion* under that pretence, [a] *ut regnum ab impotenti quorundam dominatu liberaret*, as to free the Kingdom from ſome men who had got the Queen into their hands, and conſequently ingroſſed unto themſelves the principal managery of the Commonwealth. But he had other aims than that, as before was told you; and ſo had they that went before him in the ſelf ſame road. When as *Watt Tiler*, and *Jack Straw*, and the reſidue of that *Raſcal Rabble* had took up Arms againſt King *Richard* the ſecond, they made the *Londoners* believe (who have been always apt to be deluded by the like pretences) that when they had ſeized on the *evil Counſellors*, [b] which abuſed the King, and brought them to a legal trial, *then they would be quiet*. But under this pretence they broke open Priſons, robbed Churches, murdered the King's good Subjects, and finally arrived to ſo high an impudence, that *Watt Tiler* did not ſtick to ſay, that *within four days all the Laws of England ſhould proceed from his mouth*. [c] And when *Jack Cade* had drawn the *Kentiſh* to Rebel againſt King *Henry* the ſixth, he gave it out, that if he could get the King and Queen into his hands, *he would uſe them honourably*; [d] but if he could lay hands on any of the *Traytors* which were about them, he would take care to ſee them puniſhed for their *miſdemeanours*. But in good truth the end and aim of the *Rebellion*, was to depoſe King *Henry* and the Houſe of *Lancaſter*, in favour of the title of the Duke of *York*.

a Camden, Annal. *Eliz.* Anno 1600.

b Hollingſh. in Rich. 2.

c Id. Ibid.

d Id. in the life of *Henry* 6.

20. *Queſt.* What if the King aſſaults a *Subject*, or ſeek to take away his life; may not the Subject in that caſe *take up Arms* againſt him?

Anſw. Yes, if [e] *Paræus* may be Judg, and ſome of the *Genevian* Doctors who have ſo determined. But *David*'s caſe, which com-

e *Paræus* in ep. ad Rom. c. 13.

commonly is alledged in defence hereof, if looked on with the eyes of judgment, doth affirm the contrary. For *David*, though he had a guard of ſome friends and followers to ſave him from the hands of ſuch wicked inſtruments, as *Saul* in his unjuſt diſpleaſure might have uſed againſt him: yet he preſerved himſelf from *Saul* not by *reſiſtance*, but by *flight*, [f] by flitting up and down as the King removed, and approached near him with his Armies. For had he had a thought of War, though *Defenſive* meerly, 'tis probable he would have took the opportunities which were offered to him, either of ſeizing on *Sauls* perſon when he had him all alone in the *Cave* of *Engeddi*, [g] or ſuffering *Abiſhai* to *ſmite him* as he lay *aſleep* in the *Hill* of *Hachilah*, [h] or at the leaſt in making ſure of *Abner* and the Hoſt of *Saul*, who lay *ſleeping* by him. [i] But *David* was not ſo well tutored in the Art of Rebellion, as to ſecure himſelf this way, and wanted ſome of our new Maſters to inſtruct him in it. If from the practice of a pious and religious *Jew*, we will look down upon the precept of a grave, wiſe, and learned *Gentile*, we ſhall find this rule laid down in *Ariſtotle*, [k] εἰ ἀρχὼ ἔχων ἐπάταξεν ὁ δεῖ ἀντιπαθεῖν, that if the Magiſtrate aſſault the perſon of a private *Subject*, the *Subject* may not ſtrike again, nor lift hand againſt him. Finally, that you may perceive how much all ſorts of men do oppoſe your Doctrines, *Calvin* himſelf, although no friend to *Monarchy*, doth affirm thus much, [l] *qui privatus manum intulerit, &c.* that any *private* perſon of what ſort ſoever, who ſhall lift up his hand againſt his *Sovereign* (though a very *Tyrant*) is for the ſame condemned by the voice of God.

[f] 1 Sam. 22. v. 5. 23. v. 13. 26, 27, &c.
[g] 1 Sam. 24. v. 3.
[h] 1 Sam. 16. v. 3.
[i] Ibid. v. 12.
[k] Ariſtot. in Polit.
[l] Calvin Inſtitut. l. 3. c. 10. 5, 6.

21. *Queſt.* Perhaps we may ſo far agree with you, as to diſable *private* perſons from *bearing Arms*, and lifting up their hands againſt Kings, and Princes of their own authority: But think you that *inferiour Magiſtrates* are not inabled by their Offices to protect the People, and *arm* them if occaſion be, in their own *defence*?

Anſw. 'Tis true that ſome *Divines* of the *Reformed* Churches, who either lived in *popular States*, or had their breeding at *Geneva*, or thought the *Diſcipline* by them defended could not be otherwiſe obtruded upon *Chriſtian Princes*, than by putting

the Sword into the hands of the People, have ſpared no pains to ſpread abroad this dangerous Doctrine; in which they have not wanted followers in moſt parts of *Chriſtendom*. But S. *Paul* knew of no ſuch matter when he commanded *every ſoul* to yield obedience and *ſubjection* to the *higher powers*, and upon no occaſion to *reſiſt* thoſe *powers* to which the Lord had made them *ſubject*. So that although *inferiour Magiſtrates* may expect obedience from the hands of thoſe, over whom and for whoſe weal and governance they are advanced and placed by the *Prince* in chief; yet God expects that they ſhould yield obedience to the *powers* above them, eſpecially to the higheſt of all, than which there is not any *higher*. There is a golden Chain in *Polities*, and every link thereof hath ſome relation and dependence upon that before; ſo far forth as *inferiour Magiſtrates* do command the People, according to that power and thoſe inſtruments which is communicated to them by the *ſupreme Prince*, the *Subject* is obliged to ſubmit unto them, without any manner of *Reſiſtance*. Men of no publick Office muſt obey the *Conſtable*, the *Conſtable* is bound to ſpeed ſuch Warrants as the next *Juſtice of the Peace* ſhall direct unto him; the *Juſtices* receive the expoſition of the Law from the mouth of the *Judges*; the *Judges* have no more Authority but what is given them by the *King*: And thereupon it needs muſt follow, that though the *Judges* direct the *Juſtices*, and the *Juſtices* command the *Conſtables*, and the *Conſtables* may call the *People* to their aid, if occaſion be; yet all muſt yield a free obedience, without reluctancy or *reſiſtance* to the King himſelf. The reaſon is, becauſe as Kings or *Supreme Magiſtrates* are called *Gods Miniſters* by S. *Paul* [m], ſo the *inferiour* or *Subordinate Magiſtrates* are called the *Kings Miniſters* by S. *Peter* [n], *Submit your ſelves to the* King, *as unto the* Supreme; next to ſuch *Governours as are ſent* (or authorized) *by him for the puniſhment of evil doers*. Beſides, there is no *Inferior Maſtiſtrate* of what ſort ſoever, but as he is a *publick* perſon, in reſpect of thoſe that are beneath him, ſo is he but a *private* man in reference to the *powers* above him; and therefore as a *private* perſon diſabled utterly (by your own rules) from having any more authority to *reſiſt* his *Sovereign*, or bear *defenſive* Arms againſt him as well as any

m Rom. 13. verſ. 4.
n 1 Pet. 2. verſ. 14.

any other of the Common People. The government of *States* may be compared moſt properly unto *Porphyries* Tree, in which there is one *Genus ſummum*, and many *Genera ſubalterna*. Now 'tis well known to every young *Logician* who hath learnt his *Predicabiles*, that *Genus ſubalternum* is a *ſpecies* only as it looks up to thoſe above it; a *Genus* in relation unto theſe below it. If you have ſo much *Logick* in you as to make application of this Note to the preſent caſe, you will perceive *inferiour Magiſtrates* to be no *Magiſtrates* at all, as they relate unto the King, the *Genus ſummum* in the ſcale of Govenment, and therefore of no more authority to *reſiſt* the King, or call the People unto Arms, than the meaneſt *Subject*.

22. *Queſt.* If ſo, then were the *Chriſtian* Subject of all men moſt miſerable, [o] in being utterly deprived of all ways and means, by which to free his Country from *Oppreſſion*, and himſelf from *Tyranny*. And therefore tell me if you can, what would you have the Subject do in theſe extremities, in which you have deprived him of all means to relieve himſelf?

[o] Mere. Brit. numb. 19.

Anſw. That which the Lord himſelf *preſcribed*, and the *Saints* have *practiſed*. When firſt the Lord acquainted thoſe of the houſe of *Iſrael*, how heavy a yoke their violence and importunity in asking for a *King*, had pulled upon them; he told them of no other remedy for ſo much affliction, but that *they ſhould cry out in that day, becauſe of the King whom they had choſen.* [p] No caſting off the yoke when we find it grievous, nor any way to make it lighter and more pleaſing to us, than either by addreſſing our *Complaints* to the Lord our God, or tendring our *Petitions* to our Lord the King. Kings are *accomptable* to none but God, if they abuſe the power which he gives unto them: Nor can we ſue them for a *Treſpaſs* in any other Court, than the Court of Heaven. Therefore when *David* had defiled the Wife, and deſtroyed the Husband, he thought himſelf reſponſal for it unto none but God, *againſt* whom *only he had ſinned* [q], as he ſaith himſelf. And thereupon S. *Ambroſe* gives this gloſs on thoſe words of *David*, *Homini ergo non peccavit cui non tenebatur obnoxius.* [r] *David*, ſaith he, confeſſeth no offence to man, by whom he could

[p] 1 Sam. 8. verſ. 18.

[q] Pſ. 51. v. 4.

[r] Ambroſ. in locum.

could not be *impleaded*; but only unto God who had power to judg him. St. *Gregory* of *Tours* underſtood this rightly, when he did thus addreſs himſelf to a King of *France*, *Si quis de nobis, &c.* [f] "If any of us (O King) do tranſgreſs the Laws, thou haſt "power to puniſh him; but if thou goeſt beyond thy limits, who "can puniſh thee? We tell thee of thy faults as occaſion ſerves, "and when thou liſteſt to give ear, thou doſt hearken to us: "Which if thou ſhouldeſt refuſe to do, who ſhall judg thee "for it, but he that calls himſelf by the name of Juſtice. And that you may be ſure, that it is no otherwiſe in *England* than in *France* and *Jewry*, *Bracton*, a great and famous Lawyer of this Kingdom, doth affirm expreſly, that if the King proceed not in his Government according unto Law and Right, there is no *legal* remedy to be had againſt him. What then is to be done by the injured Subject? *Locus erit ſupplicationi quod factum ſuum corrigat & emendet; quod ſi non fecerit, ſatis ei ſufficit ad pœnam, quòd Dominum expectet ultorem.* [t] All that he hath to do (ſaith he) is, that he doth *petition* him for relief and remedy; which if the King refuſe to conſent unto, it will be puniſhment enough unto him, that he muſt look for vengeance from the hands of God. Which ſaid, he gives this reaſon for it, Becauſe that no man is to call the Kings Acts in queſtion, *multò fortiùs contra factum ſuum venire*, much leſs, to go about to annul and avoid them by *force* and *violence*.

[f] S Greg. Tur. Hiſt. Franc.

[t] Bracton. 1. cap. 8.

23. *Queſt.* We grant it to be true which you cite from *Bracton*, as it relates to private and particular men; but think you that it doth concern or oblige the *Parliament*, which is the repreſentative body of the Kingdom?

Anſw. Hoc ſumus congregati quod & diſperſi, [u] as *Tertullian* tells us of the *Chriſtians* in another caſe. We ſhewed before that *Subjects* were in no caſe to reſiſt their *Sovereigns*, in the way of *Arms*, either as *private* perſons or *inferiour Magiſtrates*. And thereupon we may conclude, that the People of this Realm in the *diffuſive* body of it, having no power of *levying War* or raiſing Forces to *reſiſt* the *King*, without being puniſhable for the ſame, as in caſe of *Treaſon*; cannot enable the two Houſes of *Parliament*, which are the *repreſentative* body of it, to do thoſe

[u] Tertull. Apologet. c. 39.

Acts

Acts, which they want power to do themselves; for no Man can confer a power upon any other which is not first vested in himself, according to that good old rule, *Nemo dat quod non habet*. And therefore if it be *rebellion* in the *English* Subject out of times of *Parliament, to levy War against the King in his Realm, or to adhere unto his Enemies, and be aiding to them:* I know not how it can excuse the *Members* of the two Houses of *Parliament* from coming within the compass of that *Condemnation*, if they commit such Acts in time of *Parliament*, and under the pretence of the power thereof, which are judged *Treason* and *Rebellion* by the Laws of *England*.

24. *Quest.* But Master *Prynne* hath learnedly removed that rub, [x] who tells you that the Statute of 25. *Edward* 3. runs (only) in the *Singular* number, *If a man shall levy War against the King*, and therefore cannot be extended to the *Houses*, who are many and publick persons; What can you answer unto that?

[x] In his disloyalty of Papists, &c.

Answ. That Mr. *Prynne* having so often shewn *malice*, may have a little leave sometimes to shew his *folly*, and make some *sport* unto the Kingdom in these useful times: for if his learned observation will hold good in Law, it is not possible that any *Rebellion* should be punished in a *legal* way; because so *many* (and some of them perhaps may be *publick* persons) are commonly ingaged in actions of that wicked nature. And I suppose that Mr. *Prynne* with all his learning, did never read of a *Rebellion*, that is to say, of a *War levyed* by the Subject against his Sovereign, plotted and executed by one *man* only, in the *Singular number*. Had Master *Prynne* affirmed on his word and credit, that the *Members* of the two Houses were not *men* but *gods*, he had then said somewhat which would have freed them from the guilt and danger of that dreadful Statute. If he admit them to be *men*, and grant them to *have levyed War against* his Majesty, or to *be aiding to the Rebels now* in arms against him; he doth conclude them to be guilty of this great *Rebellion*, with which this miserable Kingdom is almost laid desolate. His Sophistry and trim distinctions touching their *quality* and *numbers* will but little help them.

25. *Qu.* We have another Plaiſter which will ſalve that Sore, *viz.* The difference that is made between the King's *Perſon* and his *Power* by which it is made viſible to diſcerning eyes, that though the *Parliament* have *levyed* War againſt the *Perſon* of the *King*, yet they do not fight againſt his *Power*, but *defend* it rather. And 'tis not a *reſiſtance* of the *Perſon* but the *Power* of *Princes*, which is forbidden by Saint *Paul*. How do you like of that *diſtinction*?

Anſw. As ill, or worſe than of the other, as being of the two the more ſerious folly; and coming from an Author no leſs factious (but far more learned I confeſs) than your other was. For if I do remember right, *Buchanan* was the firſt that broached this Doctrine in his Book *De jure regni apud Scotos*; in which he tells us that Saint *Paul* in the place aforeſaid doth not ſpeak of *Magiſtrates*, *Sed de functione & officio eorum qui aliis præſunt*, but of the *Magiſtracy* it ſelf, the Function or Office of the *Magiſtrate*, which muſt not be *reſiſted*, though his *Perſon* may. Which fooliſh Fancy ſerving fitly for a Cloak or Vizard, wherewith to palliate and diſguiſe *Rebellions*, hath ſince been often uſed by thoſe who purſue his Principles, (though never worn ſo thred-bare as of late, in your treacherous Pamphlets:) but draweth after it as many and as groſs Abſurdities as the other did. For by this ſtrange diviſion of the King from himſelf, or of his *Perſon* from his *Power*; a *Traitor* may kill *Charles*, and not hurt the *King*, deſtroy the *Man* and ſave the *Magiſtrate*, the *Power* of the *King* in one of the Armies may fight againſt his *Perſon* in the other Army, his own *Authority* may be uſed to his own *deſtruction*, and one may lawfully ſet upon him, beat, aſſault, and wound him, in order to his *preſervation*. So that you make the King like *Soſia* in the ancient *Comedy*, who being well beaten, and demanded who it was that did it, made anſwer, *Egomet, memet, qui nunc ſunt domi*[z], that *Soſia*, who was at home in his Maſters Houſe, did beat that *Soſia* which was abroad in his Maſters buſineſs. But queſtionleſs Saint *Paul* did better underſtand himſelf than either *Buchanan*, or any of his followers ſince his time have done: Who doth interpret the word

[z] *Plaut. in Amphitr. Act.* 2.

word *power*, which he uſeth in the firſt and ſecond Verſes, by that of *Principes & Miniſtri*, *Rulers* and *Miniſters*, which he uſeth in the third and fourth: Which as it plainly ſhews that he meaneth the *Magiſtrate*, and not the *Function* or the *Office*, as your Maſters tell you; ſo doth it leave you liable to the *wrath* of God, if you endeavour to defend theſe wicked and *rebellious* courſes by ſuch wretched ſhifts.

26. *Queſt.* What ſay you then, if it appear that the two Houſes of *Parliament*, (for I uſe your terms) are not *ſubordinate* to the King, but *coordinate* with him [y]: I hope then you will yield ſo far that the *two Houſes* have a power, if they cannot otherwiſe provide for the common ſafety, to *arm* the People of the Realm againſt Him, as againſt an *Equal*.

[y] Obſervations on his Majeſties Anſwers, &c.

Anſw. We grant indeed, that People which have no *Superiour*, but ſtand on equal terms with one another, if injured by their Neighbours, and not receiving ſatisfaction when they do deſire it, may remedy themſelves by force, and for ſo doing by the Law of *Nations*, are eſteemed *juſt Enemies*; but ſo it is not in the point which is now in queſtion, *the Realm of England* (as it is declared by Act of [a] *Parliament*) *being an* Empire, *governed by one* ſupreme Head and King, *having the Dignity and Royal Eſtate of the Imperial Crown of the ſame, unto whom a Body* Politick *compact of all ſorts and degrees of People, divided in Terms and by Names of* Spiritualty *and* Temporality, *been bounden and ought to bear* next to God, *a natural and humble Obedience.* Aſſuredly, had the *Lords* and *Commons* then aſſembled, conceived themſelves *coordinate* with the King in the publick Government, they would not have ſo wronged themſelves and their Poſterity, as to have made this declaration and acknowledgment ſo prejudicial thereunto, not only in a *Parliament* time, but by Act of *Parliament*. Beſides, if this *Coordination* which you dream of could be once admitted, it muſt needs follow thereupon, that though the King hath no *Superiour*, he hath many *Equals*, and where there is *equality* there is no *ſubjection*. But *Bracton* tells you in plain terms, not only that the King hath no ſuperiour in his Realm, except God alone, but that he hath no *Equal*, neither

[a] *Statut.* 24 *Henr.* 8. c. 12.

neither, *Parem autem non habet in regno ſuo*, as his words there
b Bracton. l. 1. *c* 8. § 5. are [b]. And then he gives this reaſon of it, *Quia ſic amitteret præceptum, cum par in parem non habet imperium*, becauſe he could not have an *Equal* but with the loſs of his Authority and Regal Dignity, conſidering, that an *Equal* hath no power to command another. Now leſt you ſhould object that is ſpoken of the King out of times of *Parliament*, but that when once the *Lords* and *Commons* are convened in *Parliament*, the caſe is otherwiſe. Firſt, you muſt think that had this Doctrine been on foot in the times preceding, it would have been a great impediment unto frequent *Parliaments*; and that our Kings (as others) being very *jealous* even of the ſmalleſt points of *Sovereignty*, would not admit of *Partners* in the *Crown Imperial*, by the aſſembling of a *Parliament*, having been uſed to reign alone without any *Rivals*. And Secondly, you may call to mind, that even *ſedente Parliamento*, during the ſitting of the Court, the *Lords* and *Commons* call themſelves *His Majeſties moſt humble and obedient Subjects*, which is not only uſed as a ſtile of courſe in ſuch *Petitions* as they uſe to preſent unto him, (and by the way, 'tis not the uſe for men of *equal* power to ſend *Petitions* unto one another) but it is the very
c 25. *Hen.* 8. *c.* 22, *&c.* Phraſe in ſome Acts of *Parliament* [c], for which I do refer you to the Book at large. And if they be his *Subjects*, as they ſay they be, they cannot be his *Equals*, as you ſay they are; and therefore not *coordinate* with him, but *ſubordinate* to him; by conſequence the *levying War* againſt the King, no more excuſable in them than the meaneſt *Subject*.

27. *Queſt.* You take great pains to make the *Parliament*, or the two Houſes, as you call them, to be guilty of *Rebellion* againſt his Majeſty without ground or reaſon. For tell me ſeriouſly, think you the *Parliament* hath not power to *arm* the people, and put them into a *poſture of defence* againſt the *Enemies* of the Kingdom, if they ſee occaſion?

Anſw. Yes, if the King do give conſent, and that there be ſuch *Enemies* againſt whom to *arm* them. For properly, according to the ordinary rules of *Polities*, there is no power of raiſing Forces, and putting the People into *Arms*, but only in the

the Prince or *Supreme Magiſtrate*. The *Civil* Laws have ſo reſolved it. *Nulli prorſus, nobis inſciis & inconſultis, quorumlibet armorum movendorum copia tribuatur* [d]; let none preſume to *levy* Forces, whatſoever the pretence or occaſion be, without our privity or conſent, ſaith the *Conſtitution*. If you conſult with the *Divines*, Saint *Auſtin*, a moſt Learned Father, will inform you thus, that *the natural courſe and arts of* Government *accommodated to the peace and welfare of us mortal men do require thus much, Ut ſuſcipiendi belli autoritas atque conſilium penes principes ſit* [e], *that all authority of making war and levying forces appertain only to the Prince*. And if you pleaſe to look on *Bracton*, or any of the *Lawyers* of your Native Country, they will tell you this, that the *material ſword* is put into the hands of the King by Almighty God [f], that by the *material ſword* is meant a power and right to look to the *defence* and preſervation of the Kingdom; and that it is no leſs than *Treaſon* to enter into any *aſſociation* [g], or to raiſe a war without the Kings conſent, or againſt his will. And this the *Houſes*, as it ſeems, underſtood full well, when purpoſing to *levy Forces* to begin the War, they took the *Kings authority* along for company, and raiſed them in the name of the *King* and *Parliament*, the better to ſeduce the People to a *blinded Rebellion*. As for the *Enemies* of the Kingdom, againſt whom the Subjects were to *arm* themſelves by the appointment of the *Houſes*, I can tell of none; no nor they neither, as I take it, unleſs they ſaw them in their dreams. And for your *poſture of defence*, as you pleaſe to phraſe it, (beſides that I have proved before, that even *defenſive Arms* are abſolutely unlawful on the *Subjects* part) the *war* hath been *offenſive* plainly on the part of the Houſes, which as it was contrived and followed without the leaſt colour of *neceſſity* to induce them to it, ſo did it aim at nothing elſe than the deſtruction of the *King*, and the alteration of the Government, which are the purpoſe and deſign of all *Rebellions*, as before was told you.

[d] Conſtitut. Valentin. & Valent.

[e] Auguſt.

[f] Bract. l. 1. c. 8. §. 4. & l. 2. c. 24.

[g] *Proclam. Feb.* 16. 1642

28. *Queſt.* How prove you that the *Parliament* did begin the war, that on their parts it was *offenſive*, not *defenſive* only, or that they had a purpoſe to deſtroy the King? if you can make this good you ſhall gain me to you.

Anſw.

Anſw. This point hath been ſo agitated and diſcourſed already, it were but labour loſt to ſpeak further in it. The *Votes* and *Orders* of the Houſes for putting the Kingdom into a *poſture of war*, the taking into their own hands the whole *Militia* of the Kingdom, raiſing of Money, Men, and Horſes, in all the quarters of the Land, muſtering their new-raiſed Horſe and Foot in *Finsbury*-fields, and *Tuttle*-fields, ſeizing upon the *Arms* and *Ammunition* which the King had bought with his own money, and laid up in his own *Magazines*, before the King had either money enough to pay a Soldier, powder enough to kill a Bird, or Men enough about him to guard his Perſon from any ordinary force and violence; what was all this but a *beginning* of the *war*? and who did this but ſome prevailing Men in the two Houſes of *Parliament*, under the name and ſtile of the *Lords* and *Commons*? Then for the *managing* of the war, if it had been *defenſive* only, as you ſay it was, what needed a Commiſſion to the Earl of *Eſſex* to *kill and ſlay* all ſuch as oppoſed their doings? What needed they have ſent ſome part of their Forces into *Hampſhire*, to pluck the Town of *Portſmouth* out of the Kings hands, which by reaſon of the diſtance of it could not do them hurt; another into *Dorſetſhire* to beat the Marqueſs of *Hertford* out of *Sherborne* Caſtle; a third, and that the greateſt part as far as *Worceſter*, and beyond it, to find the King, and give him battel before he was within an hundred Miles of them? What needed they have ſent their *Emiſſaries* into all the Counties of the Kingdom, to put the People into *Arms*, in which the King had neither Power nor Party that appeared for him; or to exhauſt the blood and treaſure of this Nation, under pretence of ſettling their own *privileges* and the Subjects *liberties*, when the King offered more by his frequent Meſſages than they had reaſon to expect? Doubtleſs they could pretend no *danger*, as the caſe then ſtood, which might *neceſſitate* them to take Arms in their own *defence*: and therefore now of late they have changed their terms, and do not make the war *defenſive* meerly, but in part *preventive* [b]. It ſeems their *conſciences* told them what they had deſerved, and ſo for fear the King might right himſelf upon them when he was of power, they though

[b] *Merc. Brit.* numb. 18, 19.

thought it beſt to ſtrike the firſt blow and begin the Quarrel; in hope to make ſuch ſure work of it, that he ſhould never ſtrike the ſecond. But to ſay truth, the War was not *preventive* neither on the Houſes part, but a deſign that had been plotted long before, and was made ripe for execution, when there was neither ground nor colour to poſſeſs the People with the fancy, that the King intended force againſt them. For what purpoſe elſe did Sir *Arthur Haſlerig* and M. *Pym* ſojourn two years together with Mr. *Knightly*, ſo near the habitation of the good Lord *Say*? to what end held they correſpondence with the diſcontented Party in that Country, and took ſuch pains in canvaſſing for *Knights* and *Burgeſſes* (when this preſent *Parliament* was called) in moſt Counties, *&c*? Or to what end and purpoſe had the zealous Citizens ſo uſed themſelves unto their weapons, frequented the *Artillery* Garden, and ſtored themſelves with Arms in ſo large a meaſure, but that they were reſolved to be in readineſs when the time ſhould come? This if it were not a *deſign*, muſt be done by *Prophecy*, not in the way of a *prevention*.

29. *Queſt.* But to the other point you ſpake off, touching the purpoſe which you ſay they had to *deſtroy the King*; can you make any proof of that?

Anſw. I have already told you from the mouths of our greateſt Lawyers, that all *Rebellions* aim at no other end then the *deſtruction of the King*, and the change of Government; and that this end was aimed at more eſpecially in this particular *Rebellion*. I ſhall tell you now, you cannot chuſe but call to mind with what heat and violence, multitudes of the *raſcal people*, as they flocked towards *Weſtminſter*, clamoured againſt his Sacred Majeſty, even at *Whitehall* Gates; and how ſeditiouſly they expreſſed the ſecrets of their traitorous hearts: ſome ſaying openly as they paſſed along, *that the King was the Traitor*; ſome, *that the young Prince would govern better*; and others of a more tranſcendent wickedneſs, *that the King was not fit to live.* Next look upon theſe very Men, (for out of them the body of their Army was at firſt compounded) trained to the Wars, well armed, and marching furiouſly to find out the King, againſt whoſe Sacred Perſon, and / *L. Digbies Apol.* p. 13.

and moſt precious life, they had before expreſſed ſuch a dangerous malice. Then add to this, that when they came unto *Edge-Hill*, they bent their Canon more eſpecially, and ſpent the hotteſt part of their ſhot and fury towards that part of the battel in which (according unto that advertiſement which the villain *Blague* had given their General, a Man as full of diſcontent and malice, as the worſt amongſt them) the King in Perſon, and the two young Princes meant to be. Put this together, and compare it with ſome ſubſequent paſſages which have been deſperatly vented in the Houſe of *Commons* (touching the *depoſition* of the *King*) without check or cenſure; and the inviting of a forreign Nation to Invade this Kingdom, the better to effect their buſineſs, and tell me, if you can, what is aimed at elſe, then the *deſtruction of the King*, and his Royal Iſſue?

30. *Queſt.* I muſt confeſs you put me to it, but I muſt take ſome time to conſider of it, before I tell you what I think. In the mean ſeaſon I have one more doubt to propoſe unto you, which if you can remove, I am wholly yours. The name of *Parliament* is ſacred to me, and I am loth to ſcruple any of thoſe actions, which receive countenance and authority from that awful body. Can you make proof that the Party which remains at *Weſtminſter* have not the full authority of the two *Houſes* of *Parliament*? If you could make that clear, then the work were done.

Anſw. I dare not take that task upon me; it is too invidious: but I ſhall offer theſe few things to your conſideration. Firſt, it would ſeriouſly be conſidered, Whether the *King*, whoſe preſence, as the head of that awful body, gives life and motion to the acts and reſults thereof, do purpoſely abſent himſelf to make their conſultations *fruſtrate* and their meeting *fruitleſs*; or that he hath been driven from them by force and violence? Secondly, Whether ſuch conſiderable numbers of the *Lords* and *Commons*, as are now abſent from the *Houſes*, have left the Houſes and the ſervice, for no other reaſon than for *compliance* with the King, and to ſerve his ends (in hope of getting honours and preferments by him,) or on the motion made by the *raſcal multitude*, to have the names of theſe given up, who *Voted* not with *Say*, and *Pym*,

Pym, and other the *good Members* of both Houſes? Thirdly, What miſchief would enſue both to the *Church* of *Chriſt*, and the *States* of *Chriſtendom*, If when the greater and ſounder part of *Parliaments* and *General Councils* ſhall be driven away, either by the threats and practices of the leſſer, and the worſe affected; the leſs and the worſe affected part may have the reputation of the whole body, and their actions countenanced by the name thereof? Fourthly, Whether it be not one of the greateſt prejudices which the *Proteſtants* have againſt the Council of *Trent*, [k] that it was held in an *unſafe place*, which they could not come to without danger; and that the *Prelates* there aſſembled, were ſo prelimited by the *Popes* inſtructions, or awed with an *Italian* Guard which was ſet upon them, under pretence of ſafety to their Perſons, from affronts and injuries, that they had neither freedom to debate the points which were there propounded, nor *liberty* of ſuffrage to *determine* of them? Fifthly, Whether the *King* calling the *expulſed* Party of the *Lords* and *Commons* to ſome other place, and *ſummoning* all the reſt alſo to aſſemble there, may not with greater reaſon take unto themſelves the name, the power, and reputation of a *Parliament*, than the remaining party now at *Weſtminſter*, conſiſting ſeldom of above an hundred *Commons*, and ſometimes not above *three Lords*, have challenged and uſurped the name of the *two Houſes*? Sixthly and laſtly, ——

[k] Hiſtor Conc. Triden. Sleid. & alii.

31. *Queſt.* Hold, I muſt interupt you there. The King by *Writ* appoints his *Parliament* to be held at *Weſtminſter*, and by a ſubſequent Act or *Statute* hath ſo bound himſelf, that he can neither *diſſolve* nor *adjourn* it without their conſent; How can he then *remove* it to another place, than that which was at firſt appointed?

Anſw. No doubt but he may do it with as good authority, as the *two Houſes*, or either of them may adjourn to *London*, which you cannot chooſe but know hath been often done, ſince the beginning of this Seſſion. For tho they ſit not there as *Houſes*, but by turning the either of the Houſes into a *Committee of the whole Houſe*: yet this is but an Artifice to elude the *Writ*, and act their buſineſs in a place of more advantage. The change is

only in the name, but the power the ſame. Witneſs thoſe *Votes* and *Declarations* which they have paſſed and publiſhed in the ſaid *Committees*, as binding and effectual to their ends and purpoſes, as any thing tranſacted in the ſeveral *Houſes*. Nor is the *place* ſo neceſſary and eſſential unto the being of *Parliament*, but that the *major part* with the Kings conſent, may change it if they think it profitable for the *Common-wealth*. Otherwiſe we might ſay of *Parliaments*, as once *Victorinus* did of Chriſtians, [l] *Ergone parietes faciunt Chriſtianum?* Is it the *place* and not the *perſons* which do make a *Parliament?* Or grant we, that of common courſe the *Houſes* cannot regularly be *adjourned* to another *place*, but the *adjournment* muſt be made in the *Houſe* it ſelf; yet this is but a *circumſtance*, or at moſt a *ceremony*, not of the *ſubſtance* of the work. And if that ſpeech of *Cæſar* carrieth any weight, (as all wiſe Men conceive it doth) *Legem neceſſitati cedere oportere* [m], that even the *ſtricteſt Laws* muſt yield to the *neceſſities* and uſes of the *Common-wealth*: no queſtion but ſo ſlight a *circumſtance*, as that of *place* muſt needs be thought in the preſent buſineſs, is to give way unto the peace and preſervation of this wretched Kingdom.

[l] S. *Auguſt. Confeſſ.* l. 8. c. 2.

[m] *Val. Max.* l. 3. c. 7. n. 3.

32. *Queſt.* Theſe points I ſhall conſider of as you have adviſed; only at preſent I ſhall tell you, that I am very well reſolved of the *unlawfulneſs* of this *War* againſt His Majeſty, and think them guilty of *Rebellion*, who either laid the plot thereof, or have ſince purſued it. Tell me now for the cloſe of all, what puniſhment the *Laws* do inflict on thoſe who are *convicted* of ſo capital and abhorred a crime?

Anſw. You cannot be ſo ignorant of the Laws of *England*, as not to know, That a *convicted Rebel* is condemned to be hanged, drawn, and quartered, his belly to be ripped up, and his bowels to be taken out, whileſt he is yet living, his head and limbs to be advanced on ſome eminent places, for a terrible example unto others, his blood attainted, his eſtate confiſcate, his poſſeſſions forfeited. The *Civil Laws* go ſomewhat further, and execute them after death in their Coats of *Arms*, which are to be defaced and razed, in what place ſoever they are found. *Rebellium*

arma

arma & Inſignia delenda ſunt, ubicunque inveniuntur [n], as *Bartolus* hath it. I end as I began with the Book of *Homilies*; " Turn " over and read the Hiſtories of all Nations, look over the *Chro-* " *nicles* of our own Country, call to mind ſo many *Rebellions* of " old time, and ſome yet freſh in memory, ye ſhall not find that " God ever proſpered any *Rebellion* againſt the natural and law- " ful *Prince*, but contrariwiſe, that the *Rebels* were overthrown " and ſlain, and ſuch as were taken Priſoners dreadfully executed. " Conſider the great and noble Houſes of *Dukes*, *Marqueſſes*, " *Earls*, and other *Lords*, whoſe names ye ſhall read in our *Chro-* " *nicles*, now clean extinguiſhed and gone, and ſeek out the " cauſes of the decay, you ſhall find that not lack of Iſſue and " Heirs Male hath ſo much wrought that decay, and waſte of " noble Bloods and Houſes, as hath *Rebellion*.

[n] Bartochinus *in Repertorio aureo.*

1 Sam. 26. 9.

Who can ſtretch forth his hand againſt the Lords Anointed, *and be guiltleſs?*

Prov. 24. 21, 22.

My ſon, fear thou the Lord and the King, *and meddle not with them that are given to* change, *for their* calamity *ſhall riſe ſuddenly, and who knoweth the* ruin *of them both?*

FINIS.